

RECEIVED 21 JAN 2003

10/522071

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

REC'D 28 OCT 2004

WIPO

PCT



Applicant's or agent's file reference T846716WO		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA416)	
International application No. PCT/CA 03/01054	International filing date (day/month/year) 18.07.2003	Priority date (day/month/year) 24.07.2002	
International Patent Classification (IPC) or both national classification and IPC B29C55/00			
Applicant POLYMER SHEET APPLICATIONS INC. et al.			

- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 4 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

 These annexes consist of a total of 1 sheets.

- This report contains indications relating to the following items:
 - ☒ Basis of the opinion
 - ☐ Priority
 - ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - ☐ Lack of unity of invention
 - ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - ☐ Certain documents cited
 - ☐ Certain defects in the international application
 - ☐ Certain observations on the international application

Date of submission of the demand 20.02.2004	Date of completion of this report 27.10.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Attalla, G Telephone No. +49 89 2399-6004 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/CA 03/01054**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17):*

Description, Pages

1-16 as originally filed

Claims, Numbers

9 as amended (together with any statement) under Art. 19 PCT
1-8 filed with telefax on 30.07.2004

Drawings, Sheets

1/11-11/11 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/CA 03/01054**

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	2-9
	No: Claims	1
Inventive step (IS)	Yes: Claims	
	No: Claims	1-9
Industrial applicability (IA)	Yes: Claims	1-9
	No: Claims	

2. Citations and explanations

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/CA 03/01054

Re Item V

1. Reference is made to the following documents:

D1: JP-B-51034414 (Derwent abstract)
D2: JP-A-55091631 (Derwent and JPO abstracts)
D3: EP-A-310100

2. The application does not meet the requirements of Art. 33(2) PCT because the subject matter of claim 1 is not novel.

2.1 Document D1 discloses a composite reinforcing material for cement, (therefore a structural material) comprising a highly oriented polymer produced by a drawing process (the sheet or film like material) and a particulate filler (the cement) non-adhering (because incompatible with the plastic resin) with said highly oriented polymer capable of reacting with a fluid (water) to form a cementitious bond (this is the property of all cements).

The additional feature: "said filler being present.....with said fluid" only defines the result to be achieved and it does not distinguish the subject matter of claim 1 over the prior art (cf. PCT/GL/IPE III-4.7). Therefore D1 discloses all the features of claim 1.

2.2 Also documents D2 and D3 disclose all the features of claim 1 (cf. D2, abstracts; D3, page 2, line 37-page 3, line 45; page 5, line 3-29). Thus the subject matter of claim 1 lacks novelty also over these documents.

3. The additional features of dependent claims 2 to 9 are either known from the state of the art or they appear to be common measures for a person skilled in the art. Therefore also the subject matter of these claims does not fulfil the requirements of Art. 33 PCT.

4. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1-D3 is not mentioned in the description, nor are these documents identified therein.

5. The expression: "Variations may be.....set out below" on page 15, line 20-22 does not comply with the clarity requirement of Art. 6 PCT (cf. PCT/GL/IPE III-4.3a).